

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

CHERYL MARIE REYNOLDS

Respondent

Case No. 2012-655

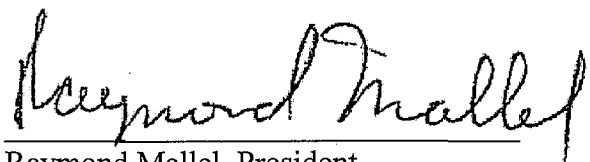
OAH No. 2012051080

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **January 11, 2013.**

IT IS SO ORDERED **December 12, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 DIANN SOKOLOFF
Supervising Deputy Attorney General
4 State Bar No. 161082
1515 Clay Street, 20th Floor
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues:

13 **Cheryl Marie Reynolds**

Case No. 2012-655
OAH No. 2012051080

14 **STIPULATED SETTLEMENT AND**
15 **DISCIPLINARY ORDER FOR PUBLIC**
16 **REPROVAL**

Respondent.

[Bus. & Prof. Code § 495]

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. LOUISE R. BAILEY, M.ED., RN (Complainant) is the Interim Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
23 Diann Sokoloff, Supervising Deputy Attorney General.

24 2. Respondent Cheryl Marie Reynolds (Respondent) is representing herself in this
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about July 19, 2011, the Board of Registered Nursing, Department of
27 Consumer Affairs, received an application for a Registered Nurse License from Cheryl Marie
28 Reynolds (Respondent). On or about July 15, 2011, Respondent certified under penalty of

1 perjury to the truthfulness of all statement, answers, and representations in the application. The
2 Board denied the application on October 5, 2011.

3 **JURISDICTION**

4 4. Statement of Issues No. 2012-655 was filed before the Board of Registered Nursing
5 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
6 Statement of Issues and all other statutorily required documents were properly served on
7 Respondent on April 23, 2012. A copy of Statement of Issues No. 2012-655 is attached as exhibit
8 A and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Statement of Issues No. 2012-655. Respondent has also carefully read, and understands the
12 effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Statement of Issues; the right to be represented by
15 counsel at her own expense; the right to confront and cross-examine the witnesses against her; the
16 right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas
17 to compel the attendance of witnesses and the production of documents; the right to
18 reconsideration and court review of an adverse decision; and all other rights accorded by the
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Statement of
24 Issues No. 2012-655.

25 9. Respondent agrees that her Registered Nurse License, if issued, is subject to
26 discipline and she agrees to be bound by the Board of Registered Nursing (Board)'s probationary
27 terms as set forth in the Disciplinary Order below.
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1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that the Respondent's application for licensure is hereby
3 granted and a license shall be issued to Respondent upon successful completion of all licensing
4 requirements. The license, however, shall be immediately publicly reprovod upon issuance, by
5 way of letter from the Board's Interim Executive Officer. The letter shall be in the same form as
6 the letter attached as Exhibit B to this stipulation.

7 ACCEPTANCE

8 I have carefully read the Stipulated Settlement and Disciplinary Order for Public Repraval.
9 I understand the stipulation and the effect it will have on my Registered Nursing License. I
10 enter into this Stipulated Settlement and Disciplinary Order for Public Repraval voluntarily,
11 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
12 Registered Nursing.

13 DATED:

8-16-2012

Cheryl Marie Reynolds

CHERYL MARIE REYNOLDS

Respondent

15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order for Public Repraval is hereby
17 respectfully submitted for consideration by the Board of Registered Nursing of the Department of
18 Consumer Affairs.

19 Dated:

Respectfully submitted,

KAMALA D. HARRIS

Attorney General of California

DIANN SOKOLOFF

Supervising Deputy Attorney General

Diann Sokoloff

DIANN SOKOLOFF

Supervising Deputy Attorney General

Attorneys for Complainant

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28 90255951.doc

Exhibit A

Statement of Issues No. 2012-655

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 State Bar No. 161082
1515 Clay Street, 20th Floor
4 P.O. Box 70550
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5 Telephone: (510) 622-2212
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6 *Attorneys for Complainant*

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues
Against:

Case No. 2012-655

STATEMENT OF ISSUES

11 **Cheryl Marie Reynolds**
12 **aka Cheryl Marie Beebe**

13 **Respondent.**

14
15 Complainant alleges:

16 **PARTIES**

17 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
18 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
19 Department of Consumer Affairs.

20 2. On or about July 19, 2011, the Board of Registered Nursing, Department of
21 Consumer Affairs received an application for a Registered Nurse License from Cheryl Marie
22 Reynolds (Respondent). On or about July 15, 2011, Cheryl Marie Reynolds certified under
23 penalty of perjury to the truthfulness of all statements, answers, and representations in the
24 application. The Board denied the application on October 5, 2011.

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2736 of the Code provides, in pertinent part, that the Board may deny a
2 license when it finds that the applicant has committed any acts constituting grounds for denial of
3 licensure under section 480 of that code.

4 STATUTORY/REGULATORY PROVISIONS

5 5. Section 2761 of the Code states:

6 "The board may take disciplinary action against a certified or licensed nurse or deny an
7 application for a certificate or license for any of the following:

8 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

9 ...

10 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
11 functions, and duties of a registered nurse, in which event the record of the conviction shall be
12 conclusive evidence thereof."

13 6. Section 2762 of the Code states:

14 "In addition to other acts constituting unprofessional conduct within the meaning of this
15 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
16 chapter to do any of the following:

17 ...

18 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
19 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
20 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
21 himself or herself, any other person, or the public or to the extent that such use impairs his or her
22 ability to conduct with safety to the public the practice authorized by his or her license.

23 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
24 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
25 or the possession of, or falsification of a record pertaining to, the substances described in
26 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
27 thereof.

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1 a. On or about August 15, 2010, Respondent was arrested for being under the
2 influence of alcohol.

3 b. On or about October 22, 2010, Respondent was sentenced to serve three years
4 probation, ordered to attend and complete the First Offender Alcohol Program, required to obey
5 all laws, submit to a chemical test as directed by law enforcement, and pay restitution in the
6 amount of \$3,540.33.

7
8 SECOND CAUSE FOR DENIAL OF APPLICATION
(Unprofessional Conduct - Use of Alcohol)

9 10. Respondent's application is subject to denial under Code section 2761, subdivision
10 (a) on the grounds of unprofessional conduct in that on or about August 15, 2010, she was
11 arrested for being under the influence of alcohol as set forth in paragraph 9, subparagraph (a),
12 above.

13 THIRD CAUSE FOR DENIAL OF APPLICATION
(Committed Acts Which Constitute Grounds for Discipline)

14 11. Respondent's application is subject to denial under Code section 480, subdivision
15 (a)(3), in that Respondent committed acts which if done by a licentiate of the profession would
16 constitute grounds for discipline. Respondent's conduct as determined in paragraph 9, above,
17 constitutes grounds for discipline under Code section 2761, subdivision (a) (unprofessional
18 conduct) in conjunction with section 2761, subdivision (f) (conviction of a substantially related
19 offense), and 2762, subdivisions (b) (dangerous use of alcohol) and (c) (conviction of a crime
20 involving consumption of alcohol).

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Denying the application of Cheryl Marie Reynolds for a Registered Nurse License;

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2. Taking such other and further action as deemed necessary and proper.

DATED: April 23, 2012 *Stacie' Ben*

for LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2012401107
statement of issues.rtf

Exhibit B

Letter of Public Reproval in Case No. 2012-655



December 12, 2012

Cheryl Marie Reynolds
P O Box 71
Phillipsville, CA 95559

RE: **LETTER OF PUBLIC REPROVAL**
In the Matter of the Statement of Issues Against:
Cheryl Marie Reynolds

Dear Ms. Reynolds:

On April 23, 2012, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed a Statement of Issues after the Board of Registered Nursing denied your application for a Registered Nursing License. The Statement of Issues alleged that the Board properly denied your application for a license because you violated Business and Professions Code sections 480, subdivision (a)(1) and 2761, subdivision (f), for being convicted of a crime; Business and Professions Code section 2761, subdivision (a), for unprofessional conduct; and Business and Professions Code section 480, subdivision (a)(3), for committing acts which constitute grounds for discipline. Specifically, on or about October 22, 2010, you were convicted of violating Vehicle Code section 23152, subdivision (b), for driving while having a .08 percent or higher blood alcohol level.

Taking into consideration that this is a single DUI, you have committed no other acts which would form a basis for discipline, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice as a registered nurse, the Board has decided that the charges warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of consumer Affairs issues this letter of public reproof.

Sincerely,

Louise R. Bailey M.Ed., RN
LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California